

## METROPOLITAN DEVELOPMENT COMMITTEE

DATE: June 6, 2005

CALLED TO ORDER: 5:33 p.m.

ADJOURNED: 7:10p.m.

### ATTENDANCE

#### Attending Members

Dane Mahern, Chairman  
Ron Gibson  
Scott Keller  
Angela Mansfield  
Jackie Nytes  
Marilyn Pfisterer  
Mike Speedy  
Steve Talley

#### Absent Members

Lance Langsford

### AGENDA

Presentation on Marion County Alliance Neighborhood Association's (MCANA)  
Comprehensive Zoning Study – Norman Pace

PROPOSAL NO. 259, 2005 - appoints Robert J. Shula to the Metropolitan Development Commission  
“Do Pass”

Vote: 8-0

PROPOSAL NO. 242, 2005 - amends the zoning ordinance to authorize certain law enforcement officers to carry out inspections relating to the enforcement of zoning ordinances and land use regulations; to restrict locations for recreational vehicle parking and storage in dwelling districts; to clarify the definition of inoperable vehicle and recreational vehicle; to clarify the fencing requirement for swimming pools and hot tubs, to eliminate screening requirements for swimming pools and hot tubs and to update state statute citations  
“Tabled”

Vote: 8-0

## METROPOLITAN DEVELOPMENT COMMITTEE

The Metropolitan Development Committee of the City-County Council met on Monday, June 6, 2005. Chair Dane Mahern called the meeting to order at 5:33 p.m. with the following members present: Ron Gibson, Scott Keller, Angela Mansfield, Jackie Nytes Marilyn Pfisterer, Mike Speedy, and Steve Talley. Absent was Lance Langsford.

### Presentation on Marion County Alliance Neighborhood Association's ( MCANA) Comprehensive Zoning Study – Norman Pace

Pat Andrews, Vice President of MCANA, said there has been a lot of discussion on the Comprehensive Plan and how it is not implemented during the zoning process. She said in an effort to receive correct information, MCANA took a look at all the zoning cases that went through the Metropolitan Development Commission (MDC) in 2004. She stated that the current Comprehensive Plan is being updated and has been worked on since 1998. She said the community value portion of the Comprehensive Plan has already been adopted by the MDC. She directed the committee's attention to the preface of the Comprehensive Plan where it dedicates a chapter on how to improve implementation of the Comprehensive Plan. She said MCANA has given the Council the data they were able to collect on the zoning cases. The results of that study show that 95% of all zoning cases that went before the MDC were approved. Ninety six percent of those approved cases did not fit the Comprehensive Plan, and 94% of those that did not fit the Comprehensive Plan were also approved. She said that MCANA is trying to get the word out on what is happening with these zoning cases. MCANA is requesting awareness of zoning case information and the opportunity to supply the Council with refresh data referring to reappointments on the MDC.

Norman Pace, Land Use Chairman for MCANA, said MCANA is also making all appointing bodies aware of the Common Ground Study, which references the foreclosure rate. He said this information also adds to the overall dilemma that is affecting the citizens. He said MCANA's goal is to get good appointees to the MDC that will use the Comprehensive Plan as a guideline.

### PROPOSAL NO. 259, 2005 - appoints Robert J. Shula to the Metropolitan Development Commission

Mr. Shula, who is an attorney, briefed the committee on his educational and law practice background. He said after working with other law firms he now has his own law offices. He went on to list the several boards he is involved with, including the Flanner House Foundation Board. He is married with three children.

Councillor Keller directed the committee to Mr. Shula's résumé under Community Activities. He said Mr. Shula's involvement in the community says more about him than being a good lawyer. He said this is just the kind of balance and majority that the MDC will benefit from.

Councillor Pfisterer asked where Mr. Shula stands regarding the issue with the Comprehensive Plan. Mr. Shula said he has not had the opportunity to study the Comprehensive Plan enough to have a position. He said he does plan on studying it and will let the committee know his position.

Councillor Nytes said she had the honor of working with Mr. Shula on the IRT board and the International Center Board of Directors. She said in both organizations there have been long range plans, and Mr. Shula has provided respect and leadership with regard to the plans of both these organizations. She said she fully expects Mr. Shula to show the same wisdom with the Comprehensive Plan.

Councillor Keller moved, seconded by Councillor Gibson, to send Proposal No. 259, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 242, 2005 - amends the zoning ordinance to authorize certain law enforcement officers to carry out inspections relating to the enforcement of zoning ordinances and land use regulations; to restrict locations for recreational vehicle parking and storage in dwelling districts; to clarify the definition of inoperable vehicle and recreational vehicle; to clarify the fencing requirement for swimming pools and hot tubs, to eliminate screening requirements for swimming pools and hot tubs and to update state statute citations

Tammara Tracy, Principal Planner, gave a presentation on Proposal No. 242, 2005 (Exhibit A, see Council file). She said the MDC has passed the first amended ordinance that is before the committee by a 7-1 vote. She briefly summarized what the amended ordinance does:

- I. Authorizes Town police as zoning enforcement officers.
  - Town and Cities include Speedway, Southport, Lawrence, Beech Grove, and Cumberland
- II. Clarifies the fencing requirement for pools and hot tubs and eliminates the screening requirement.
- III. Clarifies the definitions of inoperable vehicles and recreational vehicles.
  - An inoperable vehicle is a motor vehicle that has the engine, transmission, etc. removed and cannot be driven or towed on City streets without being subject to a traffic citation.
  - A recreational Vehicle (RV) is a motorized, non-motorized, self-propelled or towed vehicle specifically for non-commercial use, such as temporary living, travel, and leisure activities.

- IV. Restricts recreational vehicle parking and storage limited to inside a garage, or on a hard surfaced area or behind the residence.
- V. Updates citations to current state statutes.

Councillor Mansfield stated that her main concern with this proposal is with regard to RVs that are motor home or motor home-like. She said she would like to see the individual issues such as citation, blocking of vision, problem with weeds, etc. addressed separately. She stated that most of the apartment complexes or home owner associations now have covenants to let people know if they can park RVs in the neighborhood. She stated that consideration needs to be made regarding the substantial amount of personal property taxes citizens pay for their RVs. She also stated that some citizens use their RVs as a way to travel to visit friends and family without the cost of a hotel. She said she has a lot of reservations on this proposal and would like to table it for further study.

Councillor Keller said there is a difference between a small boat and a RV. He said putting a RV in the rear of a home can be difficult because there may not be enough room between residences.

Councillor Speedy said he has some positive and negative thoughts on this proposal. He said some positives of this proposal are enforcement of health and safety and regulating right of ways. He said on the other hand, RVs can represent freedom to appreciate mobility this country has, and to take that away is restricting freedom. He stated the issues related to RVs can be dealt with by the creation of covenants and neighborhood associations. He also stated he has concerns with additional rights given to law enforcement to examine zoning issues.

Councillor Pfisterer said this issue was first brought to her attention by the Speedway Town Board. She said they asked if the Speedway Police would be able to enforce the zoning codes within the confines of Speedway. She stated that after contacting the Metropolitan Development Department on enforcement this proposal was generated. She said it is not her intent to take away the "American Dream" but there are some citizens who overstep the line. She said she was able to see first-hand some of the violations this proposal will address. She said her intent is not to say that a citizen cannot have a RV parked on their property. She introduced an amendment to the proposal to allow RVs to be parked in the front of a residence as long as it was in the driveway on a hard surface (Exhibit B, attached).

Councillor Talley moved, seconded by Councillor Gibson, to amend Proposal No. 242, 2005 per Exhibit B (5a, b, and c). The motion carried by a vote of 6-2. Councillor Mansfield and Speedy cast the negative votes.

Councillor Mansfield said situations with weeds and rodents can occur no matter what is in the back or front yard and is not solely due to RVs on private property. She said there

are existing requirements in the Code that address weeds and rodents, and the issue should continue to be addressed by this existing Code.

Councillor Gibson clarified the amendment and said he believes this is a friendly amendment because it still gives the property owner the right to park where they deem necessary, relative to a hard surface.

Councillor Nytes asked if police officers have the time to take on the added responsibility of examining zoning issues. Councillor Pfisterer said within the Town of Speedway the police officers said they would be willing to take on the added responsibility, and training sessions have been offered to the officers. Councillor Nytes asked if the other excluded cities' police officers agreed to the added responsibility. Ms. Tracy said currently the officers outside the excluded cities have the ability to enforce zoning issues but are not required to do so. She said criminal activities and crime prevention will always take precedence, and the enforcement of zoning issues is only an option. She said some excluded cities have agreed to the added responsibility.

Councillor Mansfield asked if the proposal is considering citizens with RVs from out of town who would have to create hard surfaces to be able to park. Councillor Pfisterer said generally speaking, a citizen from out of town has most likely invested a lot of money into the RV and would want to park the RV on a hard surface. She also stated that there are a number of developments and subdivisions where the covenants are a reasonable approach. However, there are a lot of small neighborhoods where covenants just do not work. She said there are already laws on the books but some of the laws were not clear enough to apply. She said this proposal is an attempt to clarify the language to enforce the law better.

Councillor Speedy said the amendment is a step in the right direction but still feels the proposal needs further study.

Councillor Talley said the committee still needs to deal with the proposal as amended, but it is still his intent to table the proposal after public comment.

Councillor Nytes asked if the existing ordinance states that no citizen is allowed to sleep in their RV. Ms. Tracy replied in the affirmative. Councillor Nytes stated that she also agrees that this proposal needs to be tabled for further study.

Chair Mahern said there is a lot of confusion with regard to the proposal and would like to get public comment to assist in generating a more comprehensive proposal.

Councillor Keller said it may be helpful to look at other jurisdictions' regulations regarding RVs to assist with the proposal.

Mike Hymemen, Pike Township citizen, said that hard surfaces in every camp ground he goes to is gravel; therefore, why not let the owner park the RV on a gravel driveway. He said he already spends \$4,000 in personal property taxes every year. Why should he have to spend \$8,000 - \$10,000 to have concrete poured in his driveway? He urged the Council to have its attorney look into this proposal because this ordinance has already been denied by the United States Supreme Court. He said the ruling was that it is unconstitutional to decline a citizen of parking a RV on private property.

Phillip Patrick, Lawrence Township citizen, said he contacted officials in the City of Lawrence, and they stated that this committee has no control over the City of Lawrence. He said he has an RV that sits on a gravel driveway, and he takes care of his RV. He said the problems that the Town of Speedway is experiencing should not be blamed on the county as a whole.

Edward Frazier, Speedway Town Council, said the Town Council is pleased with the respect to the enforcement of the Code. He said the full police force would not be trained to enforce zoning issues. He said the Town Council tried to enforce the Speedway Code regarding RVs, but was unable to due to the Marion County Code.

Charles Appleman, president of ACORN Indy West, said citizens are paying high tax dollars, taxes on RVs, fees to State recreational parks, camping fees, etc. Therefore, there should not be a problem where citizens park their operable RVs on private property. He said he understands restrictions on inoperable RVs.

Dennis Harney, Executive Director of Recreational Vehicle Indiana Council, said the Council has a problem with the philosophy and reasoning behind the ordinance. He said if there is a problem with high grass or inoperable vehicles these issues should already be addressed with existing ordinances. He said some of the recreational vehicles are smaller than many of the SUVs that are parked in driveways around the County. He asked the committee to reconsider its philosophy of this proposal.

Donald Leonard, citizen, said he has an RV that is worth over \$100,000. He said he pays over \$1,000 a year on property taxes and real estate taxes and does not feel he should have to pay more money to have his RV stored somewhere else.

Danny Markus, citizen, said this proposal is an infringement of citizens' rights. He suggested that if he cannot park his RV on private property then he should not have to pay property taxes on that RV.

Mark Bennett, citizen, said he has always made sure that by owning a RV he was not violating any covenants and had the right of usage on the property. He said his current residence driveway is six cars deep but is a gravel drive way. He stated that he will not be able to afford the RV and the storage of the RV.

Susan Carter, citizen, said she is a realtor, and the number of clients that are looking for a property that does not have government restrictions to having recreational vehicles is substantial. She said this is one reason why a lot of people move out of Marion County to the suburbs. She stated that she has a motor vehicle (5<sup>th</sup> wheel), and most of the year it is out of state. She said in the winter time she does servicing, and if she has to keep it in a garage she will be unable to do her work in the motor vehicle.

Thomas Kuhn, citizen, said he did not know anything about this ordinance until a fellow camper informed him. He said he was very disturbed because this type of issue should be published more. He said his dream after retiring is to be able to travel the country. He said he disagrees with the definition of the side yard. He said with this definition there is no room to park his RV.

John Clark, citizen, said he also disagrees with the definition of yard surface because he has already spent money on a gravel pad. He said the height requirement of an RV also puts him at a disadvantage. He stated the problem with weeds needs to be addressed another way other than blaming RV owners.

Councillor Pfisterer said there was conversation on what constituted a hard surface, and an agreement has not been reached. She said as this proposal moves forward this is one issue that will be clarified. She said it is not the intent to deprive anyone of their dream. She stated that there were a number of neighborhood associations approving this ordinance. She asked how the amendment to this proposal will be handled. Ms. Tracy said it will have to go before the MDC. Councillor Pfisterer clarified that the amendment states that citizens would be able to park an RV in their drive way.

Councillor Mansfield suggested that the RV issue of this proposal be handled separately because there are other good issues in this proposal. She said it may be easier to deal with these issues as two separate proposals. Mike Peoni, Division of Planning Administrator, said they will be able to separate the issues into two proposals. Councillor Pfisterer stated that she has no opposition to this suggestion.

Councillor Keller said he is also in support of a separate proposal. He said he voted on the amendment but has a concern with language in Exhibit B (5a). He said after further study of this proposal, the requirement of a hard surface needs to be clarified.

Councillor Gibson made a motion to remove the language dealing with RVs from the proposal. Councillor Talley suggested tabling the proposal rather than dealing with removing language in committee. He said there may be definitions in the proposal that reflect on more than one issue. Councillor Gibson agreed and retracted his motion.

Councillor Talley moved, seconded Councillor Pfisterer to "Table" Proposal No. 242, 2005. The motion carried by a vote of 8-0.

The Vice President of the Speedway Council thanked Councillor Pfisterer for her work on the proposal. She agreed that the proposal needs further research. She stated that RVs are a big problem in Speedway due to their old and narrow streets.

CONCLUSION

With no further business pending, and upon motion duly made, the Metropolitan Development Committee of the City-County Council was adjourned at 7:10 p.m.

Respectfully submitted,

Dane Mahern, Chair  
Metropolitan Development Committee

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